

## **REMARKS**

Claims 1, 10 – 17, 22, and 23 have been amended. Claims 1 – 23 remain pending in the present application.

### **Rejection of the Claims Under 35 U.S.C. § 101**

Claims 11 – 16 are rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. While Applicant respectfully traverses this rejection, Applicant has nevertheless amended claims 11 – 16 to recite, in pertinent part, a “computer-readable storage medium.” Support for the amendments to claims 11 – 16 may be found in Applicant’s specification at least in paragraph [0063]. Applicant respectfully submits that claims 11 – 16 (as amended) recite statutory subject matter, and withdrawal of the § 101 rejection of claims 11 – 16 is respectfully requested.

Claims 1 – 10 are rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. While Applicant respectfully traverses this rejection, Applicant has nevertheless amended claim 1 to recite, in pertinent part, a “computer-implemented method” comprising “storing the programmatically determined cost of the resource usage by the organizational unit in a cost allocation database.” Support for the amendment to claims 1 may be found in Applicant’s specification at least in paragraph [0041] and element 310 of Figure 3. Applicant respectfully submits that claims 1 – 10 (as amended) are “limited to a practical application which produces a useful, tangible, and concrete result.” See *Diamond v. Diehr*, 450 U.S. 175, 183-84, 209 USPQ 1, 6 (1981). Accordingly, withdrawal of the § 101 rejection of claims 1 – 10 is respectfully requested.

### **Rejections of the Claims Under 35 U.S.C. § 102(b) and 103(e)**

Claims 1, 2, and 5 – 23 are rejected under 35 U.S.C. § 102(b) as being anticipated by Al-Hilali et al. (U.S. Patent No. 6,086,618, hereinafter “Al-Hilali”). Claims 3 and 4 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Al-Hilali in view of Applicant’s Admitted Prior Art (AAPA). Applicant respectfully traverses the rejections and requests reconsideration in view of the following remarks.

Claims 1, 11, 17, and 23 have been amended to recite, in pertinent part, “wherein each of the plurality of available cost allocation methods defines a different way of dividing one of the determined costs.” Support for the amendments to claims 1, 11, 17, and 23 may be found in Applicant’s specification at least in paragraphs [0050] and [0051].

Claim 1 (as amended) recites:

1. A computer-implemented method for allocating resource usage costs in a computer system comprising a plurality of system resources, the method comprising:

- determining a cost for each of the plurality of system resources;
- determining a cost allocation method for each of the plurality of system resources from a plurality of available cost allocation methods, wherein each of the plurality of available cost allocation methods defines a different way of dividing one of the determined costs;
- determining resource usage by an organizational unit for each of the plurality of system resources;
- programmatically determining a cost of resource usage by the organizational unit based on the cost for each of the plurality of system resources, the cost allocation method for each of the plurality of system resources, and the resource usage by the organizational unit for each of the plurality of system resources; and
- storing the programmatically determined cost of the resource usage by the organizational unit in a cost allocation database.

Applicant respectfully submits that Al-Hilali does not teach or suggest a method comprising “determining a cost allocation method for each of the plurality of system resources from a plurality of available cost allocation methods, wherein each of the plurality of available cost allocation methods defines a different way of dividing one of the determined costs,” in combination with the remaining features of claim 1. In rejecting claim 1, the Office Action argues that, in disclosing cost equations (e.g., col. 9, lines 30 – 45), Al-Hilali teaches or suggests a plurality of available cost allocation methods. Applicant respectfully disagrees. At col. 10, lines 35 – 49, Al-Hilali discusses the construction of cost equations:

Once the resource usage measurements have been determined for each transaction in step 104, total cost equations may be developed for each pertinent system resource at step 106. **Such cost equations will take as a component any resource usage attributed to a particular transaction. In other words, each relevant system resource will have a cost equation that takes as input the transaction rate of all relevant transactions contributing to the use of that particular system resource.** All defined transactions are represented in the cost equation for a given system resource unless executing the transaction does not use the resource at all. The more transactions that are defined, the more complex the cost equation tends to be since it may have many more components.

Therefore, each of Al-Hilali's cost equations is essentially a sum of the various costs associated with the use of a system resource, not a way of dividing a cost. Furthermore, Al-Hilali discloses only one way of dividing a cost: per transaction. As disclosed at col. 10, lines 21 – 29, Al-Hilali divides the cost of resource usage as a part of the measurement step:

In step 104, resource usage measurements are made for each transaction in each resource used. The "cost" in terms of each of the relevant system resources is determined for each transaction. In other words, any time a particular transaction is performed, it will use or consume a certain amount of system resources **and the step of making the resource usage measurements is determining those costs on a per transaction basis.**

Similarly, Al-Hilali discloses at col. 12, lines 27 – 33 that total resource usage is divided by a number of transactions to yield a per transaction usage. Thus, there is no teaching or suggestion in Al-Hilali for a plurality of available cost allocation methods, wherein each of the plurality of available cost allocation methods defines a different way of dividing one of the determined costs. Therefore, Applicant respectfully submits that claim 1 is patentably distinct from Al-Hilali. For similar reasons, Applicant submits that independent claims 11, 17, and 23 are patentably distinct from Al-Hilali.

Regarding claim 5, Applicant respectfully submits that Al-Hilali does not teach or suggest a method "wherein the plurality of available cost allocation methods comprises a

per usage time cost allocation method” in combination with the remaining features of claim 5. In rejecting claim 5, the Office Action cites col. 4, line 64 through col. 5, line 4 of Al-Hilali. At the cited location, Al-Hilali discloses measuring different types of resource usage such as CPU usage, disk access time, memory usage, etc., but not cost allocation. There is no teaching or suggestion in Al-Hilali for a per usage time cost allocation method, wherein each of the plurality of available cost allocation methods defines a different way of dividing one of the determined costs.

Regarding claim 6, Applicant respectfully submits that Al-Hilali does not teach or suggest a method “wherein the plurality of available cost allocation methods comprises a per active days cost allocation method” in combination with the remaining features of claim 6. In rejecting claim 6, the Office Action cites col. 8, lines 10 – 19 of Al-Hilali. At the cited location, Al-Hilali discloses various aspects of computer networking. At col. 9, lines 10 – 19, Al-Hilali discloses measuring the usage of various resources but not cost allocation. There is no teaching or suggestion in Al-Hilali for a per active days cost allocation method, wherein each of the plurality of available cost allocation methods defines a different way of dividing one of the determined costs.

Regarding claim 8, Applicant respectfully submits that Al-Hilali does not teach or suggest a method “wherein the plurality of available cost allocation methods comprises a per processing time cost allocation method” in combination with the remaining features of claim 8. In rejecting claim 8, the Office Action cites col. 9, lines 10 – 19 of Al-Hilali. At the cited location, Al-Hilali discloses measuring the usage of various resources but not cost allocation. There is no teaching or suggestion in Al-Hilali for a per processing time cost allocation method, wherein each of the plurality of available cost allocation methods defines a different way of dividing one of the determined costs.

Claim 10 has been amended to recite, in pertinent part, “importing employee data from a human resources directory; and defining the organizational unit as a group of users based on the imported employee data.” Claims 16 and 22 have been similarly amended, and support for the amendments to claims 10, 16, and 22 may be found in

Applicant's specification at least in paragraphs [0027] and [0047]. Applicant respectfully submits that Al-Hilali does not teach or suggest a method comprising "importing employee data from a human resources directory," in combination with the remaining features of claim 10. Additionally, Applicant respectfully submits that Al-Hilali does not teach or suggest a method comprising "defining the organizational unit as a group of users based on the imported employee data," in combination with the remaining features of claim 10.

Applicant also respectfully submits that numerous others of the dependent claims recite further distinctions over Al-Hilali. However, since the independent claims have been shown to be patentably distinct, a further discussion of the remaining dependent claims is not necessary at this time. Accordingly, withdrawal of the § 102(b) and § 103(a) rejections is respectfully requested.

In light of the foregoing amendments and remarks, Applicants submit that all pending claims are now in condition for allowance, and an early notice to that effect is earnestly solicited. If a phone interview would speed allowance of any pending claims, such is requested at the Examiner's convenience.

## CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5760-14600.

Respectfully submitted,



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